

**REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. The foregoing amendment adds claims 23-26. Claims 1, 2 and 6-26 are pending in the application with claims 1,2, and 9-18 being withdrawn from consideration. Therefore, claims 6-8 and 19-26 are addressed in the following remarks.

The specification was objected to because of informalities. This amendment addresses this objection by correcting the noted informalities in the specification. Accordingly, withdrawal of this objection is respectfully requested.

**35 U.S.C. § 112 Rejections**

Claims 19-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter set forth therein. Each of the formalities identified in the Office Action has been addressed in this Amendment, and Applicants accordingly request the Examiner to reconsider and withdraw this rejection.

**35 U.S.C. § 102 & 103 Rejections**

Claims 6-8 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lane et al. (U.S. Patent No. 6,141,486). Claims 19-22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lane et al. in view of

Shimoda (U.S. Patent No. 5,440,345). Applicants respectfully traverse each of these rejections for at least the following reasons.

Regarding claims 6-8, the Examiner has alleged that the Lane et al. reference discloses Applicants claimed features. However, Applicants respectfully submit that all the features of Applicants' claimed combinations are not taught or suggested by the Lane et al. reference. For example, the Examiner has characterized block 1608 of Lane as "a division number setting means responsive to a bit stream input that form the recording format." However, block 1608 of Lane et al. does not perform such a function. In contrast to the Examiner's allegation, the Lane et al. patent discloses the function of block 1608 in column 58, lines 45 to 60 as follows.

In this manner, the end of track signal is supplied to the switch 1609 which temporally closes to pass the total track error number stored in the register to the average error calculation block 1608. The average error calculation block 1608 receives the total track error number output by the register 1606 when the heads 440 complete a pass over the width of the tape and divide the total track error number by the number of sync blocks passed over by the heads during their pass over the tape which was responsible for the generation of the total track error number.

For example, if after passing over 135 sync blocks during a head pass over the tape, the track error number was 270, the number 270 would be divided by 135 to generate the number 2 which represents how far, in terms of the number of tracks, the heads 440 are from the trick play track for the speed and direction of VTR operation selected by the user.

Although block 1608 performs a division, as noted above, it is clearly related to the average error of the head position. Therefore, block 1608 does not teach a division number setting means responsive to a bit stream input that form the recording format as alleged by the Examiner. Instead, block 1608 is used to determine the appropriate error correction for the in terms of the number of tracks for the heads as is explicitly taught by the Lane et al. patent.

Further, the Examiner alleges that the Lane et al. reference teaches block 406 is a data reducing means for reducing the data amount of the extracted encoded data to a data amount which can be recorded in K sync blocks in a predetermined format, wherein K is a positive integer. However, Applicants respectfully submit that block 406 of Lane et al. does not perform this function. In contrast to the Examiner's statement the Lane et al. patent describes block 406 as follows, in column 53, lines 50-61.

The playback packet filter 406 only outputs data packets which are designated as being for use at the particular playback speed which the VTR is operating at. For example, during normal playback operation the playback packet filter 406 will only output data packets identified for use during normal playback operation. Similarly, during 9x fast forward playback operation, the playback packet filter 406 will only output data packets identified for use during 9x fast forward playback operation.

As stated above, block 406 is merely a packet filter that filters for the desired data packets. There is no suggestion in the Lane et al. patent to use packet filter 406 to reduce the data amount of the extracted encoded data to a data amount which can be

recorded in K sync blocks (K being an integer) in a predetermined format as claimed in Applicants' claimed combinations.

As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Since the Lane et al. reference does not disclose at least a division setting means and a data reducing means as described above, the Lane et al. reference as applied does not anticipate Applicants claimed combinations. Further, Applicants submit that one of ordinary skill in the art would not have been motivated to modify the system of Lane et al. to arrive at Applicants' claimed combinations absent impermissible hindsight reference to Applicant's specification.

Contrary to Applicants' claimed combinations, Lane shows a VTR having various replay modes and discusses the position of tracks according to the replay mode. Lane is silent on the relationship between the packets and the sync blocks as recited in the claims of the present application.

Since the Lane et al. reference fails to disclose the features of independent claims 6 and 7, as describe above, and the applied Shimoda reference fails to remedy the above-noted deficiencies, Applicants respectfully submit that claims 8, and 19-26 are allowable at least by virtue of their dependency on the above-identified independent

claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark E. Olds, Reg. No. 46,570, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. § 1.17 and § 1.136(a), Applicant hereby petitions for an extension of one (1) month in which to file a response to the outstanding Office Action. The required fee of \$110.00 is attached hereto.

Attached hereto is a marked-up version of the changes made to the application by this Response.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Please replace the paragraph beginning on page 57, line 31 and continuing onto page 58, line 10 with the following amended paragraph:

Fig. [22] 21 shows a recording pattern of the packet. It illustrates, in two-dimensional representation, the data of five sync blocks consecutive on the tape region in which transparent recording is made. In the drawing, reference numeral 141 denotes a data region of 77 bytes in one sync block, and the five rows respectively represent data of five sync blocks. Reference numerals 142 to 144 denote data of the first packet read from the buffer 108. Reference numerals 145 to 147 denote data of the second packet read from the buffer 108. Reference numerals 148 to 152 denote first headers, each one byte long, appended at the header appending circuit 111. Reference numerals 153 and 154 denote second headers, each two bytes long, appended at the header appending circuit 111.

**IN THE CLAIMS:**

6. (Twice Amended) A digital VTR for magnetically recording and replaying a digitally transmitted bit stream in a predetermined recording format, comprising:

division number setting means, responsive to a bit stream input, for setting the division number N into sync blocks that form the recording format, wherein N is an integer;

a predetermined number M of transport packets as a unit, wherein M is an integer and N is not equal to M;

header appending means for appending, to data of the bit stream before the division, a header indicating the transport packet; and

format forming means for forming N consecutive sync blocks from the data after the division of the bit stream.

19. (Amended) A digital VTR as set forth in claim 7, further comprising:
- detecting means for detecting intra-picture data in the input bit stream;
  - forming means for forming fast replay data from the intra-picture data;
  - wherein [the] a header appending means appends a first header for discriminating the fast replay data from normal replay data, and a second header for discriminating, within said normal replay data, the intra-picture data and non-intra-picture data from each other; and
  - recording means for recording the fast replay data together with the normal replay data on a magnetic recording medium.

20. (Amended) A digital VTR as set forth in claim 19, further comprising:
- replay means for replaying normal replay data, together with fast replay data from the magnetic recording medium;



separating means for separating the normal replay data, by checking the second header appended to the normal replay data selected by the separating means; [and]

storage means for storing the intra-picture data, by checking the second header appended to the normal replay data selected by the separating means; and

switching means for selectively outputting the normal replay data or the intra-picture data stored in the storage means, depending on whether [the] a replay mode is [the] normal replay or [the] still replay.

21. (Amended) A digital VTR as set forth in claim 19, further comprising:

replay means for replaying normal replay data together with the fast replay data from the magnetic recording medium;

separating means for separating the normal replay data, by checking the first header appended to [the] replay data from the magnetic recording medium;

storage means for storing the intra-picture data, by checking the second header appended to the normal replay data selected by said separating means; and

switching means for selectively outputting the normal replay data or the intra-picture data stored in the storage means, depending on whether [the] a replay mode is [the] normal replay or [the] slow replay.

22. (Amended) A digital VTR as set forth in claim 19, further comprising:

replay means for replaying normal replay data together with the fast replay data from the magnetic recording medium;

separating means for separating the fast replay data from the normal replay data, by checking the first header appended to the replay data from the magnetic recording medium; and

switching means for selectively outputting the normal replay data or [the] high-speed data, depending on whether the replay mode is [the] normal replay or [the] fast replay.

New claims 23-26 are added herein.